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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH VA 22040-0747

In re Application of  
SHIOMI et al. : DECISION ON  
Application No.: 10/583,999 :  
PCT No.: PCT/JP2005/000326 : PAPERS  
Int. Filing Date: 01 June 2005 :  
Priority Date: 01 July 2004 : UNDER 37 CFR 1.42  
Attorney's Docket No.: 0425-1258PUS1 :  
For: FILTER FOR GAS GENERATOR :

This is a decision on applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 22 June 2006, which was accompanied by a declaration of inventors. The indication in this declaration that joint inventor Kazumitsu Shiomi is deceased has been treated as a request for status under 37 CFR 1.42.

### BACKGROUND

On 01 June 2005, applicants filed international application PCT/JP2005/000326 which claimed a priority date of 01 July 2004 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 21 July 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 January 2007 (01 January 2007 being a Federal holiday).

On 22 June 2006, applicants filed, *inter alia*, a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and a declaration of inventors. The indication in this declaration that joint inventor Kazumitsu Shiomi is deceased has been treated as a request for status under 37 CFR 1.42.

### DISCUSSION

Under 37 CFR 1.42, the declaration must include the signature of the legal representative or the signature of all of the heirs (or if there is only one heir, the sole heir). The declaration filed 22 June 2006 does not indicate that the persons signing are all the heirs. When the declaration is

signed by a legal representative, the declaration should state that this person is the legal representative. Alternatively, applicants' attorney may file a statement certifying that the person signing is the legal representative. When the declaration is not signed by a legal representative and does not indicate that the persons signing are all of the heirs (or the sole heir), then it must be accompanied by a statement by either those signing or by the attorney which sets forth (1) that they are in fact all the heirs of the deceased and (2) that no legal representative of the deceased's estate has been appointed or is required by the applicable law to be appointed.

### **CONCLUSION**

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Applicant is required to submit a proper declaration within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

/Daniel Stemmer/

Daniel Stemmer  
Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty  
Legal Administration  
Telephone: (571) 272-3301  
Facsimile: (571) 273-0459